

BRENDA H. ENTZMINGER
Nevada Bar No. 9800
RYAN KERBOW
Nevada Bar No. 11403
PHILLIPS, SPALLAS & ANGSTADT LLC
504 South Ninth Street
Las Vegas, Nevada 89101
(702) 938-1510
Attorneys for Defendant
Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHARLENE PATTON and THOMAS H.
PATTON, JR.,

Plaintiff,

v.

WAL-MART STORES, INC., a foreign
corporation; DOE WORKER, an individual;
DOES 1 through 10, inclusive; and ROE
CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: 2:16-cv-0244-JCM-VCF

STIPULATION AND ~~PROPOSED~~
ORDER FOR LEAVE TO CONDUCT
CERTAIN DISCOVERY OUTSIDE THE
DISCOVERY PERIOD

Plaintiffs CHARLENE PATTON and THOMAS H. PATTON, JR. ("Plaintiffs") and
Defendant WAL-MART STORES, INC. ("Walmart"), by and through their respective counsel of
record, do hereby stipulate to conduct certain discovery outside the discovery period.

DISCOVERY COMPLETED TO DATE

- The parties have conducted an FRCP 26(f) conference and have served their respective FRCP 26(a) disclosures;
- Plaintiffs have served responses to Walmart's written discovery;
- The parties have made expert disclosures;
- Plaintiffs have propounded written discovery to Walmart;
- Walmart has deposed both Plaintiffs;

- Walmart has deposed Plaintiffs' liability expert witness, John Peterson;
- Walmart has deposed Plaintiffs' medical expert, Dr. Mary Shannon;
- Walmart has deposed Plaintiffs' economic expert, Dr. Terrance Clauretie.

DISCOVERY TO BE COMPLETED OUTSIDE THE DISCOVERY PERIOD

Discovery to be completed includes:

- Plaintiffs' deposition of fact witness, Joseph Lancto;
- Plaintiffs' deposition of Walmart's Rule 30(b)(6) representative;
- Walmart's responses to written discovery;
- Depositions of Plaintiff's treating physicians, Dr. Dara Wellborn and Dr. Beraldo Vasquez.

The parties aver, pursuant to Local Rule 2.25, that good cause exists for the request. Walmart timely sought deposition dates for Plaintiff's treating physicians, but due to their busy schedules, these depositions could not be scheduled within the discovery period. Plaintiffs timely noticed depositions for Walmart's Rule 30(b)(6) representative, and the parties are presently cooperating in attempting to reach a resolution regarding a dispute over the deposition topics without court intervention. Similarly, the parties are working toward a resolution on Walmart's objections to Plaintiffs' written discovery requests without court intervention. For an unknown reason, Walmart received Plaintiffs' written discovery requests ten days after the date they were mailed, as a result of which Plaintiffs have agreed that Walmart shall have additional time to respond, where the responses would otherwise be due on September 21, 2016. Plaintiffs timely noticed Joseph Lancto's deposition, yet due to scheduling conflicts, his deposition was unable to occur within the discovery period.

If this stipulation is granted, all discovery mentioned above should be concluded within thirty days. The parties aver that this request is made by the parties in good faith and not for the purpose of delay.

1
2 DATED this 22nd day of September, 2016

DATED this 22nd day of September, 2016.

3
4
5 /s/ Cara Xidis
6 Cara Xidis, Esq.
7 GANZ & HAUF
8 8950 W. Tropicana Ave, Suite 1
9 Las Vegas, Nevada 89147

10 *Attorneys for Plaintiffs*

/s/ Ryan Kerbow
Ryan Kerbow, Esq.
PHILLIPS SPALLAS & ANGSTADT
504 South Ninth Street
Las Vegas, Nevada 89101

Attorneys for Defendant

11 IT IS SO ORDERED:



12 ~~JUDGE OF THE DISTRICT COURT~~
13 UNITED STATES MAGISTRATE JUDGE

14 DATED: September 22, 2016
15
16
17
18
19
20
21
22
23
24
25
26
27
28